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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,556	02/19/2004	Yoshihiko Takagi	36462	5147

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EXAMINER	
BAYOU, YONAS A	

ART UNIT	PAPER NUMBER
2134	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/782,556	TAKAGI ET AL.	
	Examiner	Art Unit	
	YONAS BAYOU	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15 and 17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15 and 17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 May 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to applicant's response filed on 01/02/2008.

2. Claims 1-15 and 17 are pending.

3. Claim 16 is cancelled.

4. Claim 1 is amended.

5. Claim 17 is new claim.

6. Examiner withdraws rejection of claims 1 and 16 under 35 U.S.C 112-first paragraphs due to correction by the applicant.

7. Applicant's arguments have been fully considered but they are not persuasive.

8. When responding to the Office action, Applicant is advised to clearly point out the patentable novelty the claims present in view of the state of the art disclosed by the reference(s) cited or the objection made. A showing of how the amendments avoid such references or objections must also be present. See 37 C.F.R. 1.111(c).

Response to Arguments

1. Applicant, on page 5, line 21 – page 6, line 12, of the remarks, argues "in the method of claim 1, Arnold does not teach a first tamper resistant memory which cannot be accessed directly by external electronic devices and a second non-tamper resistant memory which cannot be directly accessed by external electronic devices."

Examiner respectfully disagrees and asserts that Arnold discloses that all program owned persistent data areas are managed by the computer's operating system. They cannot be accessed directly by an application program, without making a request to the operating system services. As shown in FIG. 1, a program 35 implementing the method of the invention is advantageously embodied as an article of manufacture by embedding the program into compact disc 37, or other portable storage media. Media 37 can be read by reader 39 connected to bus 17 by adapter 41. Further, the program 35 may be embodied as a special purpose apparatus by storing the program's executable instructions in RAM 31, ROM 33, or a combination of both and or in DASD 27, accessible by the microprocessor 15 via adapter 29, for execution by microprocessor 15 **[column 3, line 15 – column 4, line 3; column 6, lines 20-23 and fig. 1;** microprocessor 15, 21 and 25 corresponding to external electronic devices/part of external electronic devices].

2. Examiner, however, in light of the above submission maintains the previous rejections while considering the amendments to the claims as follows:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Arnold Patent No. US 6,175,924 B1 (hereinafter Arnold).

Referring to claim 1, Arnold teaches a memory device comprising:

a first tamper resistant memory which cannot be accessed directly by external electronic device **[column 3, line 15 – column 4, line 3; column 6, lines 20-23 and fig. 1]**; and

a second non-tamper resistant memory which cannot be directly accessed by external electronic device **[column 3, line 15 – column 4, line 3; column 6, lines 20-23 and fig. 1]**,

wherein data stored in the first memory is saved to the second memory **[column 6, lines 13-19 and fig. 4].**

Referring to claims 2 and 5, Arnold teaches a memory device comprising:

wherein the saved data is data prepared when installing an application program or executing the application program **[column 6, lines 13-19 and fig. 4]**.

Referring to claim 3, Arnold teaches a memory device comprising:

wherein when the data is saved to the second memory, the program code of the application program is rejected from the first memory **[column 1, lines 63-67].**

Referring to claim 4, Arnold teaches a memory device comprising:

wherein when the data is saved to the second memory, the program code of the application program is left in the first **memory [column 1, lines 63-67; reloaded when their services are again required].**

Referring to claim 6, Arnold teaches a memory device comprising:

a managing table in which the managing information for the data stored in the first memory is described, wherein the managing information includes information indicating whether or not the data can be saved **[column 6, lines 57-65 and fig. 5]**.

Referring to claim 7, Arnold teaches a memory device comprising:

wherein the application program is downloaded in the first memory and installed in the first memory **[column 3, lines 52-56 and fig. 1]**.

Referring to claim 8, Arnold teaches a memory device comprising:

wherein the application program is downloaded in the second memory and installed in the first memory **[column 4, lines 30-39]**.

Referring to claim 9, Arnold teaches a memory device comprising:

wherein the application program is downloaded in the second memory and installed in the second memory **[column 5, lines 6-8]**.

Referring to claim 10, Arnold teaches a memory device comprising:

wherein the saved data and the signature information for the data are encoded and saved to the second memory **[column 5, lines 31-47]**.

Referring to claim 11, Arnold teaches a memory device comprising:

wherein the first memory includes a saved information managing unit for managing saved information, data to be saved is encoded and saved, and the signature information of the encoded data is stored in the saved information managing unit **[column 5, lines 31-53]**.

Referring to claim 12, Arnold teaches a memory device comprising:

wherein data to be saved is determined on the basis of an instruction from an electronic device **[column 4, lines 30-33]**.

Referring to claim 13, Arnold teaches a memory device comprising:

wherein if there is no space area for downloading or installing data in the first memory when an instruction to download or install the application program in the first memory is received, arbitrary data which is accumulated in the first memory and possible to be saved is saved to the second memory **[column 4, lines 58-65]**.

Referring to claim 14, Arnold teaches a memory device comprising:

wherein specific saved data is restored in accordance with a restoration instruction from the electronic device **[column 1, lines 63-67]**.

Referring to claim 15, Arnold teaches a memory device comprising:

wherein the saved data related to the application program is restored in accordance with a start instruction of the application program from the electronic device **[column 1, lines1-6]**.

Claim 16: Cancelled

Referring to claim 17, Arnold teaches the memory device further comprising an inner CPU which can directly access to both the first memory and the second memory **[column 4, lines 4-7; column 5, lines 10-15 and figs. 2-3]**.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonas Bayou whose telephone number is 571-272-7610. The examiner can normally be reached on m-f,7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yonas Bayou

Examiner, Art Unit 2134

02/26/2008

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2134